



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
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204 C.M.R. 2.00

Regulations of the Alcoholic Beverages Control Commission

2.18: Resealing of Partially Consumed Bottles of Wine

(1) No holder of a hotel, restaurant, tavern, club, or war veterans' organization license issued pursuant to the provisions of section 12 of chapter 138 of the General Laws ~~and no holder of a hotel type license issued pursuant to the provisions of section 12 of chapter 138 of the General Laws~~ shall permit a patron to retain and take off the licensed premises so much of a bottle of wine purchased by that patron with a meal and not totally consumed by that patron during the meal, except when the bottle of wine is re-sealed in compliance with this regulation.

(2) Only one partially consumed bottle of wine per patron may be resealed and removed from ~~the restaurant or hotel~~ the hotel, restaurant, tavern, club, or war veterans' organization's licensed premises pursuant to this regulation.

(3) A receipt that prominently displays the date of the purchase of the meal must be furnished to the patron. The receipt must show both the purchase of the meal and the purchase of the bottle of wine.

(4) Before permitting the carry out of a bottle of wine pursuant to this regulation, ~~the holder of a restaurant type license or its employees or the holder of a hotel type~~ the hotel, restaurant, tavern, club, or war veterans' organization licensee ~~license~~ or its employees must:

- (1) securely reseal the bottle of wine;
- (2) place the resealed bottle in a one-time-use tamper-proof transparent bag that insures that the patron cannot gain access to the bottle while in transit after the bag is sealed;
- (3) securely seal the bag; and
- (4) affix the receipt to the sealed bag.

(5) For the purpose of this regulation, the word "meal" shall mean the purchase by 1 person of a diversified selection of food which ordinarily is classified as an "entree" or "main course" which ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking or the purchase by 2 or more persons of a diversified selection of food which is priced at more than \$20.00 and ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking.

(6) The provisions of 204 CMR 2.18 are severable and if any provision or the application thereof is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision of 204 CMR 2.18.